

STATE OF INDIANA – COUNTY OF FOUNTAIN
IN THE CIRCUIT COURT
NOTICE OF PROPOSED AMENDMENTS TO
LOCAL COURT RULE 23-CR00-FLCR-2
JUNE 1, 2014

In accordance with Trial Rule 81 of the Indiana Court Rules, the Fountain Circuit Court hereby gives notice to the bar and the public that the Court proposes to amend its current local court rule at **LR 23-CR00-FLCR-2** to reflect the recent legislative changes. All new text is shown by underlining and deleted text is shown by strikethrough.

The time period for the bar and the public to comment will begin on June 2, 2014, and will close on July 2, 2014. The proposed amendments to the current local rules will be adopted July 2, 2014 with the **effective date** of the proposed amended rules will be **July 1, 2014**. Comments by the bar and the public should be made in writing and mailed to: Hon. Susan Orr Henderson, Judge, Fountain Circuit Court, Attn: Public Comment on Local Rules, Fountain Circuit Court, P.O. Box 97, Covington, Indiana 47932.

A paper copy of the proposed amended local rule will be made available for viewing in the office of the Clerk of Fountain County, 301 4th Street, Covington, IN 47932, during normal business hours.

Persons with Internet access may view the proposed amended local rules at the following website: <http://www.courts.IN.gov/rules/local/fountain>

On behalf of the Fountain Circuit Court:

_____/S/_____
Susan Orr Henderson, Judge

RULE 2: BAIL AND BAILABLE OFFENSES

LR 23-CR00-FLCR-2

Scope: This bond schedule applies to all cases to be filed in the Fountain Circuit Court. The Sheriff of Fountain County is hereby ordered to follow this bond schedule for setting bonds for all persons arrested without warrants for criminal offenses.

FELONIES: Offenses committed July 1, 2014 or later

<u>Murder:</u>	<u>NO BOND</u>
<u>Level 1</u>	<u>\$75,000.00</u>
<u>Level 2</u>	<u>\$50,000.00</u>
<u>Level 3</u>	<u>\$25,000.00</u>
<u>Level 4</u>	<u>\$15,000.00</u>
<u>Level 5</u>	<u>\$10,000.00</u>
<u>Level 6</u>	<u>\$6,500.00</u>

MISDEMEANORS: Offenses committed July 1, 2014 or later

<u>Class A</u>	<u>\$3,000.00</u>
<u>Class A and Class C:</u>	
<u>Operating while intoxicated/.08 ACE</u>	<u>\$6,500.00</u>
<u>Class B</u>	<u>\$1,000.00</u>
<u>Class C</u>	<u>\$500.00</u>

IMPAIRED PERSONS: No person shall be released with a alcohol concentration equivalent of %.08 or higher or appears to be under the influence . Law enforcement may use the chart set out in I.C.. 35-33-1-6 to determine the minimum number of hours an impaired person should be detained prior to release pending trial.

EXCEPTIONS: This bond schedule shall not be used for, nor be applicable to, the following cases: Child Molesting, Vicarious Sexual Gratification, Sexual misconduct with a Minor or Rape. Individuals held on these offenses shall be brought before the Court within 48 hours of detainment for hearing and conditions of bond to be determined, including no-contact provisions.

NO CONTACT PROVISIONS: Pursuant to I.C. 35-33-8-3.2(a)(4), a person who is arrested for any of the following offenses: Domestic Battery, Sexual Battery or any offense where an element of physical force or the threatened use of a deadly weapon is alleged, Kidnapping, Confinement, Strangulation, Invasion of Privacy (Violation of a Protective Order), shall be held for 12 hours before release from custody, unless released sooner pursuant to a court order. The release of such person on bail shall be conditioned upon the person having no direct or indirect contact with the alleged victim of the offense. During regular court business hours the Prosecuting Attorney, alleged victim or advocate may petition for a non-contact order or ex parte protective order.

If a no-contact order is needed at times other than regular court business hours, the Prosecuting Attorney or the Sheriff may contact a Judge and request release of the arrested person on bond or an oral authorization for a no-contact order, which shall be reduced to a written no-contact order and submitted to the Judge on the next business day of the Court. Failure to seek written order may result in release of the no-contact provision. The person to get released shall be notified of the no-contact conditions of the bond with receipt acknowledged by the person.

LACK OF IDENTIFICATION: Any person who cannot be positively identified at book-in shall be held without bond until the person is brought before the Court for a hearing to determine bond. This includes, but is not limited to, those individuals who refuse to cooperate in their identification by refusing to be fingerprinted, individuals who possess conflicting identification, and individuals whose identifying information cannot be verified.

FELONIES: Offenses committed prior to July 1, 2014

<u>Murder:</u>	<u>No Bond</u>
Class A felony	\$75,000.00
Class B felony	\$25,000.00
Class C felony	\$15,000.00
Class D felony	\$10,000.00
Class A Misdemeanor:	\$6,500.00
OVWI;	
Poss. Of Marijuana;	
Other drug related A Misd.	

All other Class A Misd.	\$3,000.00
Class B Misdemeanor	\$1,000.00
Class C Misd..10% B.A.C.	\$6,500.00
All other Class C Misd,	\$500.00

~~This~~ **These** bail schedules may be modified at the discretion of the Court. If habitual offender or habitual substance offender allegations are filed, bail schedule may be modified. If multiple non-related offenses are filed in same cause number, or accused is known to be on probation or parole, this schedule may be modified.

(b) No person shall be released on his or her own recognizance without first securing authority of the Court for such release.

(c) The Sheriff shall have the authority and discretion to detain any person under the influence of intoxicating beverages or drugs until such time as that person can be safely released without danger to himself or others.

(d) An accused may post bond in any one of four ways: (1) Professional surety bond (2) Real property bond (3) Full cash bond, or (4) By depositing with the Clerk cash in an amount of 10% of the bond set by the Court, unless the Court prohibits such procedure. (e) If an accused posts bond per (d) (4), the same shall be made on a form supplied by the Court, which form shall be completed in its entirety. The Clerk may retain 10% of the cash deposited as an administrative fee, to be deposited in the General Fund of the County. Such fee shall not be less than ~~\$10.00~~ **\$50.00**.

(f). In the event the accused fails to appear, any monies deposited with the Clerk, ~~may, upon Order of Court, be transferred to the Extradition Fund of the Court to be used for the return of such accused or any other fugitive.~~ **may be revoked and issuance of a re-arrest warrant.**

(g) Monies in the hands of the Clerk as bail per (d)(4) after deducting the administrative fee, shall be returned to the person posting said bail upon the meeting of the conditions of the bond, and upon Order of the Court, and the Court may order that said funds be applied to court costs, fees, fines, restitution, etc. as may be applicable

.